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SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 29, 2010

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 61 members present.

Absent and excused – Bedke, Jaquet, Loertscher, McGeachin, Pence, Raybould, Ruchti, Smith(24), Wills.
Total – 9.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Emily Hurst, Page.

Approval of Journal

January 29, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighteenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

January 28, 2010

Mr. Speaker:

I transmit herewith [S 1268](#) which has passed the Senate.

WOOD, Secretary

[S 1268](#) was filed for first reading.

Report of Standing Committees

January 29, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 438](#), [H 439](#), [H 440](#), [H 441](#), [H 442](#), [H 443](#), [H 444](#), [H 445](#), [H 446](#), and [HJR 2](#).

CLARK, Chairman

[H 438](#) and [H 445](#) were referred to the Transportation and Defense Committee.

[H 442](#), [H 446](#), and [HJR 2](#) were referred to the State Affairs Committee.

[H 443](#) and [H 444](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 439](#), [H 440](#), and [H 441](#) were filed for second reading.

January 29, 2010

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, request that [H 432](#) be returned to the Desk for re-referral.

BLOCK, Chairman

[H 432](#) was referred to the Business Committee.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 447

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302K, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR OBTAINING RELIEF FROM THE PROHIBITION TO POSSESS OR RECEIVE FIREARMS DUE TO MENTAL HEALTH STATUS; AND AMENDING SECTION 67-3003, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE IDAHO STATE POLICE.

HOUSE BILL NO. 448

BY DURST

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602NN, IDAHO CODE, TO REVISE CRITERIA THAT MUST OCCUR BEFORE CERTAIN PROPERTY IS EXEMPT FROM TAXATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 449

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT; AMENDING SECTION 39-7205, IDAHO CODE, TO PROVIDE THAT CERTAIN INSTITUTIONAL CONTROLS PROPOSED AS PART OF A VOLUNTARY REMEDIATION WORK PLAN SHALL COMPLY WITH THE UNIFORM ENVIRONMENTAL COVENANTS ACT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-7415, IDAHO CODE, TO PROVIDE THAT CERTAIN DEED NOTATIONS AND REMOVAL OF DEED NOTATIONS SHALL COMPLY WITH THE UNIFORM ENVIRONMENTAL COVENANTS ACT AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 450

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO THE CLEAN LAKES ACT; REPEALING CHAPTER 64, TITLE 39, IDAHO CODE, RELATING TO THE CLEAN LAKES ACT.

HOUSE BILL NO. 451
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO ENVIRONMENTAL QUALITY; AMENDING SECTION 39-103, IDAHO CODE, TO REVISE THE DEFINITION OF "PUBLIC WATER SUPPLY" AND TO DEFINE "PUBLIC DRINKING WATER SYSTEM."

HOUSE BILL NO. 452
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-416, IDAHO CODE, TO REMOVE REFERENCE TO THE SUBMISSION OF STANDARDS TO THE DIRECTOR OF LEGISLATIVE SERVICES, TO REVISE PROVISIONS RELATED TO THE SUBMISSION OF RULES FOR REVIEW AND COMMENT, TO PROVIDE THAT CERTAIN RULES SHALL BE SUBMITTED TO THE STATE BOARD OF ENVIRONMENTAL QUALITY FOR REVIEW AND COMMENT AND CERTAIN RULES SHALL BE SUBMITTED TO THE STATE BOARD OF HEALTH AND WELFARE FOR REVIEW AND COMMENT, AND TO PROVIDE THAT THE STATE BOARD OF ENVIRONMENTAL QUALITY SHALL TAKE SPECIFIED ACTION ON CERTAIN RULES.

HOUSE BILL NO. 453
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO WATER QUALITY; AMENDING SECTION 39-3627, IDAHO CODE, TO INCREASE THE PERCENTAGE OF THE TOTAL STATE REVOLVING LOAN FUND THAT MAY BE USED FOR CERTAIN NONPOINT SOURCE POLLUTION CONTROL PROJECTS.

HOUSE BILL NO. 454
BY HART
 AN ACT

RELATING TO TAXATION POLICIES; TO PROVIDE A SHORT TITLE; TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 63-3004, IDAHO CODE, TO REVISE THE DEFINITION OF "INTERNAL REVENUE CODE"; AMENDING SECTION 63-3011, IDAHO CODE, TO ADD A DEFINITION AND TO REVISE THE DEFINITION OF "GROSS INCOME"; AMENDING SECTION 63-3024, IDAHO CODE, TO REVISE THE TAX IMPOSED ON INDIVIDUALS, TRUSTS AND ESTATES; AMENDING SECTION 63-3029, IDAHO CODE, TO PROVIDE THAT A CREDIT SHALL NOT BE ALLOWED FOR INCOME TAXES PAID TO ANOTHER STATE, TERRITORY, POSSESSION OR DISTRICT ON EARNED INCOME THAT WOULD OTHERWISE BE EXEMPT FROM IDAHO TAXABLE INCOME; AMENDING SECTION 63-3030, IDAHO CODE, TO REVISE REQUIREMENTS FOR PERSONS HAVING TO FILE INCOME TAX RETURNS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3619, IDAHO CODE, TO INCREASE THE RATE OF THE SALES TAX; AMENDING SECTION 63-3621, IDAHO CODE, TO INCREASE THE RATE OF THE USE TAX; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE REVENUE SHARING PROVISIONS; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 455
BY THOMPSON
 AN ACT

RELATING TO STATE GOVERNMENT; AMENDING SECTION 67-2319, IDAHO CODE, TO PROVIDE FOR THE IDAHO COUNCIL FOR PURCHASES FROM PEOPLE WITH SEVERE DISABILITIES, TO PROVIDE FOR THE APPOINTMENT OF COUNCIL MEMBERS, TO PROVIDE FOR THE LENGTH OF TERM OF COUNCIL MEMBERS, TO PROVIDE FOR APPOINTMENT TO COUNCIL AS VACANCIES OCCUR, TO PROVIDE THAT MEMBERS SHALL SERVE WITHOUT HONORARIUM AND TO PROVIDE FOR COUNCIL DUTIES AND RESPONSIBILITIES.

HOUSE BILL NO. 456
BY AGRICULTURAL AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE SEED INDEMNITY FUND; AMENDING SECTION 22-5102, IDAHO CODE, TO DEFINE TERMS, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-5103, IDAHO CODE, TO REQUIRE ADDITIONAL CONDITIONS THAT MUST BE MET BY APPLICANTS PRIOR TO ISSUANCE OF INITIAL SEED BUYER LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-5104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 22-5121, IDAHO CODE, TO PROVIDE THAT THERE ARE NO INDEMNITY FUND ASSESSMENTS ON SEED CROPS DEPOSITED FOR SERVICE; AND AMENDING SECTION 22-5125, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE SHALL NOT APPROVE OR PAY ANY CLAIM BASED ON LOSSES RESULTING FROM UNINSURABLE PERILS.

[H 447](#), [H 448](#), [H 449](#), [H 450](#), [H 451](#), [H 452](#), [H 453](#), [H 454](#), [H 455](#), and [H 456](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1268](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 437](#) and [H 391](#), by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 418](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 418](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Ringo,

Roberts, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bedke, Jaquet, Loertscher, McGeachin, Pence, Raybould, Ruchti, Smith(24), Wills. Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 418](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 397](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 397](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Ringo, Roberts, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bedke, Jaquet, Loertscher, McGeachin, Pence, Raybould, Ruchti, Smith(24), Wills. Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 397](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, February 1, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:46 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk